

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 19 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BY
DEPUTY _____

UNITED STATES OF AMERICA

v.

SHUNDARRELL CAIN

§
§
§
§
§

NO. 6:17-CR- 54

Judge RC/KNM

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 21 U.S.C. § 841(a)(1)
(Possession with intent to Distribute
Methamphetamine)

On or about March 1, 2017, in Upshur County, Texas, in the Eastern District of Texas, **Shundarrell Cain**, defendant herein, did knowingly and intentionally possess, with intent to distribute, a Schedule II controlled substance, namely approximately 57 grams or more of methamphetamine (actual), its salts, isomers, and salts of isomers, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).

Count Two

Violation: 18 U.S.C. § 924(c)(1)(A)
(Possession of a firearm during drug
trafficking)

On or about March 1, 2017, in Upshur County, Texas, in the Eastern District of Texas, **Shundarrell Cain**, defendant, did knowingly use, carry, and possess a firearm, namely, a High Point, Model CF380, .380 caliber pistol bearing serial number P852577, during, in relation to, and in furtherance of, a drug trafficking crime for which said

defendant may be prosecuted in a court of the United States, to wit: Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), all in violation of 18 U.S.C. § 924(c)(1)(A).

Count Three

Violation: 18 U.S.C. § 922(g)(1) (Felon in possession of a firearm)

On or about March 1, 2017, in Upshur County, Texas, in the Eastern District of Texas, **Shundarrell Cain**, defendant, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Tampering with Physical Evidence, a felony, in Cause Number 15,130, in the 115th Judicial District Court in and for Upshur County, Texas, on July 2, 2009; Possession of a Controlled Substance, a felony, in Cause Number 35257-B, in the 124th Judicial District Court in and for Gregg County, Texas, on March 8, 2007; Possession of a Controlled Substance - Methamphetamine, a felony, in Cause Number 12993 TRN 9027738157, in the 115th Judicial District Court in and for Upshur County, Texas, on October 21, 2002; and Possession of a Controlled Substance, a felony, in Cause Number 96-0300271-CR, in the 221st Judicial District Court in and for the Montgomery County, Texas on May 16, 1997; did knowingly and unlawfully possess in and affecting commerce, a firearm, to wit: a High Point, model CF380, .380 caliber pistol bearing serial number P852577, a Ruger, model 10/22, .22 caliber rifle, bearing serial number 232-64183, a Remington, model 1100, 12 gauge shotgun, bearing serial number 50866OV, a Marlin, model 60, .22 caliber rifle with an obliterated serial number, a Taurus, model S411220, .410 caliber, shotgun, bearing serial number SR341497, a

Marlin, model 60, .22 caliber rifle, bearing serial number 91471683, and a Remington, model 742, .243 caliber rifle, bearing serial number 7139983, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c)

As a result of committing the offenses alleged in this indictment, the defendant shall forfeit to the United States of America pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c):

1. any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violations;
2. any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition, and accessories seized from the defendant,

including but not limited to the following:

FIREARMS AND AMMUNIITON

- A. a High Point, model CF380, .380 caliber pistol bearing serial number P852577,
- B. a Ruger, model 10/22, .22 caliber rifle, bearing serial number 232-64183,
- C. a Remington, model 1100, 12 gauge shotgun, bearing serial number 50866OV,
- D. a Marlin, model 60, .22 caliber rifle with an obliterated serial number,
- E. a Taurus, model S411220, .410 caliber, shotgun, bearing serial number SR341497,
- F. a Marlin, model 60, .22 caliber rifle, bearing serial number 91471683, and
- G. a Remington, model 742, .243 caliber rifle, bearing serial number 7139983,

CASH PROCEEDS

\$10,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

The United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).


By virtue of the commission of the felony offenses charged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461.

A TRUE BILL



GRAND JURY FOREPERSON

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



JIM NOBLE
Assistant United States Attorney

7/19/2017

Date

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TYLER DIVISION

UNITED STATES OF AMERICA

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SHUNDARRELL CAIN

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NO. 6:17-CR-_____

NOTICE OF PENALTY

Count One

Violation:

21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) (Possession with Intent to Distribute Methamphetamine)

Penalty:

A fine of not more than \$10,000,000.00, imprisonment for a term of not less than ten (10) years or more than life, or both such fine and imprisonment; and a period of supervised release of at least five (5) years; or, if the defendant has been previously been convicted for a felony drug offense, a fine of not more than \$20,000,000.00, imprisonment for a term of not less than twenty (20) years or more than life; or both such fine and imprisonment; and a period of supervised release of at least ten (10) years, or, if the defendant has been previously been convicted of two or more felony drug offenses, a fine of not more than \$20,000,000.00, mandatory life imprisonment; or both such fine and imprisonment; and a period of supervised release of at least ten (10) years,.

Special Assessment:

\$100.00

Count Two

Violation: 18 U.S.C. § 924(c)(1) (Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

Penalty: Imprisonment not less than five (5) years [to be served consecutively to the underlying offense] and up to life, a fine of up to \$250,000.00, or both; a term of supervised release of at least two (2) years.

Special Assessment: \$100.00

Count Three

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

Penalty: A fine of not more than \$250,000.00; imprisonment for not more than ten (10) years; or both; a term of supervised release of not more than three (3) years. 18 U.S.C. § 924(a)(2).

Special Assessment: \$100.00